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AUG 19 2016
CLERK'S OFFICE
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

No. 16-20556

Plaintiff,

District Judge Judith E. Levy
Magistrate Judge R. Steven Whalen

vs.

TONY CHRISTOPHER BURGER,

Defendant.

**ORDER FOR PSYCHIATRIC OR PSYCHOLOGICAL
EXAMINATION OF DEFENDANT**

This matter having come before the Court on Defendant's counsel's motion for a competency determination at his arraignment in open court on August 18, 2016, and the government voicing no opposition, the Court finds that there is reasonable cause to believe that Defendant TONY CHRISTOPHER BURGER may presently be suffering from a mental disease or defect rendering him mentally incompetent to stand trial. Defense counsel's motion is therefore GRANTED, and pursuant to the Insanity Defense Reform Act of 1984, 18 U.S.C. §§ 4241-4247, **IT IS HEREBY ORDERED:**

that a psychiatrist or psychologist employed by the United States be appointed, authorized, and directed to examine the mental condition of Defendant, *see id.* §§ 4241(a), (b), 4247(b); and that said psychiatrist or psychologist be granted access to the defendant's current medical treatment information;

that Defendant be committed to the custody of the Attorney General for such psychiatric or psychological examination for a period of not

to exceed 75 days, *see id.* § 4247(b);

that the U.S. Marshals Service transport Defendant to and from the facility;

that the examining psychiatrist or psychologist prepare, as soon as practical, a written report that includes (1) the Defendant's history and present symptoms; (2) a description of the psychiatric, psychological, and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis, and whether the Defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

that the examiner promptly file the written report with this Court and provide copies of the report to defense counsel and the attorney for the government, *see id.* § 4247(c); and

that the period beginning with the government's motion and ending with the conclusion of the competency hearing, *see id.* §§ 4241(c), 4247(d), which will take place after the Court and parties receive the examiner's written report, be deemed excludable delay under the Speedy Trial Act pursuant to 18 U.S.C. §§3161(h)(1)(F) and (h)(1)(A), and that the period beginning the day after the conclusion of the competency hearing and ending with the Court's ruling on defendant's mental competency or with the lapse of 30 days, whichever occurs first, be deemed excludable delay pursuant to 18 U.S.C. § 3161(h)(1)(J).

s/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: August 19, 2016

CERTIFICATE OF SERVICE

I hereby certify on August 19, 2016 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants August 19, 2016.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen

Dated: August 19, 2016